

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No. 08 CR 612
)	
v.)	
)	
GREG INGERSOLL,)	Acting Chief Judge Coar
JEFFREY INGERSOLL, and)	
RUSSELL KOZBIEL)	

**GOVERNMENT’S UNOPPOSED FIRST MOTION FOR AN EXTENSION OF TIME TO
RETURN INDICTMENT OR INFORMATION PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 30-day extension of time, to and including September 26, 2008, in which to seek the return of an indictment or information against the defendants, for the following reasons:

1. On or about July 31, 2008, defendants were arrested and charged by criminal complaint with stealing, purloining, and knowingly converting to their own use and the use of another, property made and being made under contract for an agency of the United States, namely, a water cooler supplied under contract to the United States Courthouse, which property was valued at less than \$1,000, in violation of Title 18, United States Code, Section 641. At the time of the complaint, the defendants were employed by Company A, a company that was performing contract services for the General Services Administration (“GSA”). As outlined in the complaint, a water cooler and two jugs leased to the United States Courthouse, Northern District of Illinois, were found in Company A’s workspace. Defendants were seen on video footage taking the water cooler and two jugs from the 15th floor of the Dirksen Building to the 29th floor of the Dirksen Building where Company A’s workspace was located.

2. A number of factors have led to the government's request for an extension. Those factors are stated in the Attachment hereto, which the government respectfully requests be placed under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation.

3. Thus, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against defendants based on their arrest will not be sufficient. The United States estimates that a 30-day extension from the current expiration date of August 29, 2008, to and including September 26, 2008, will be sufficient time within which to return an indictment in this matter.

4. Among the factors identified by Congress as relevant to the determination of whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(8)(B), which provide in relevant part:

Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because . . . the facts upon which the grand jury must base its determination are unusual or complex; [and]

Whether the failure to grant such continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), . . . would deny counsel for . . . the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(8)(B)(iii), (iv).

5. The government respectfully submits that the 30-day continuance is warranted in this case pursuant to the forgoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the investigation is not yet complete. The government cannot complete its investigation and appropriately conclude the investigation within the time allowed under Section 3161(b) of the Speedy Trial Act as currently extended.

6. Counsel for the government spoke to counsel for each of the defendants regarding this Motion on August 26, 2008. Counsel for defendants indicated that they do not oppose this Motion.

WHEREFORE, the United States respectfully requests a 30-day extension of time from August 29, 2008 to September 26, 2008 in which to seek an indictment in this case.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Bethany K. Biesenthal
Bethany K. Biesenthal
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Dated: August 27, 2008

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

Government's Unopposed First Motion for an Extension of Time to Return Indictment or Information Pursuant to 18 U.S.C. § 3161(h)

were served on August 27, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

/s/ Bethany K. Biesenthal
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
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UNITED STATES OF AMERICA)	No. 08 CR 612
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GREG INGERSOLL,)	Acting Chief Judge Coar
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**ATTACHMENT TO GOVERNMENT'S UNOPPOSED FIRST MOTION FOR AN
EXTENSION OF TIME TO RETURN INDICTMENT/INFORMATION PURSUANT TO
18 U.S.C. § 3161(h)**

1. As stated in Paragraph 2 of its Motion to Extend Time, a number of factors have led to the government's request for an extension. The following is a summary of those factors.

2. Since the arrests in this case, law enforcement officers, together with GSA, have undertaken an investigation to determine the full extent of any improper conduct committed by defendants while utilizing space in the United States District Courthouse, Northern District of Illinois. As a result, GSA also is undertaking an investigation into the total loss amount suffered as a result of defendants' conduct. That investigation is still ongoing.

3. Thus, given the need to fully assess both defendants' conduct relating to this case and corresponding loss amounts, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against defendants based on their arrests will not be sufficient. The United States estimates that a 30 day extension from the current expiration date of August 29, 2008, to and including September 26, 2008, will be sufficient time within which to return an indictment or information in this matter.

Dated: August 27, 2008